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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,119	01/31/2001	Brad W. Blumberg	SMTR001/02US	1143

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EXAMINER

PEREZ, JULIO R

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

04

# Office Action Summary

Application No.

09/774,119

Applicant(s)

BLUMBERG ET AL.

Examiner

Julio R Perez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7, 3, 1, 6 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimoto et al. (6,115,611).

Regarding claim 1, Kimoto et al. disclose a method of retrieving location-centric information (accumulating unit 21 and retrieving unit 22, fig. 5, ref. 21D and 22D, col. 16, lines 34-50), comprising: providing information related to a geographic position of a wireless device (1F) to an information system (2D), (transmitting the position of the mobile terminal to the information center, col. 3, lines 15-20); receiving location-centric attribute information (utilizing information) from said information system (2D) related to a landmark (proposed landmarks, buildings) proximate to said geographic position (corresponding to the position information, col. 3, lines 22-25 and col. 49, lines 25-33).

Regarding claim 2, Kimoto et al. disclose said receiving location-centric attribute information (utilizing information) includes receiving information related to at least one of an interior feature, an exterior feature and a service feature (a service relating to a position information) related to said landmark (col. 3, lines 28-32 and col. 49, lines 25-33).

Regarding claim 3, Kimoto et al. disclose receiving location-centric attribute information includes receiving indicia of a plurality of features (information of facilities or a service) related to said landmark (col. 5, lines 59-63).

Regarding claim 4, Kimoto et al. disclose said method further comprising: receiving from a user a selection of one of said plurality of features (a user can access a plurality of lists, col. 40, lines 25-32); and receiving location-centric detailed feature information related to said selected feature (layer retrieving unit 531, col. 40, lines 63-67 and col. 41, lines 1-3).

Regarding claims 5 and 6, Kimoto et al. disclose the method, wherein said receiving location-centric detailed feature information includes receiving product and service information (detailed information about a building, structure, facility, services, menus) related to said selected feature (col. 38, lines 1-12, Figs. 14, 15, and 24, and col. 38, lines 13-20).

Regarding claim 7, Kimoto et al. disclose the method of providing location-centric information from an information system, the method comprising: a query from a wireless device (a request from the mobile terminal); receiving information related to a geographic position of the wireless device (position information to the terminal); and transmitting location-centric attribute information related to a landmark proximate to said geographic position (col. 11, lines 17-18).

Regarding claim 8, Kimoto et al. disclose said transmitting location-centric attribute information (position relating information) includes transmitting information

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related to at least one of an interior feature, an exterior feature (map information) and a service feature (service program) related to said landmark (col. 55, lines 21-31).

Regarding claim 9, Kimoto et al. disclose said transmitting location-centric attribute information (position relating information) includes transmitting indicia (a number of pieces of information, such as map information, town information, or a service) of a plurality of features ((a number of pieces of information, such as map information, town information, or a service) related to said landmark (col. 41, lines 39-46, 57-63).

Regarding claim 10, Kimoto et al. disclose the method comprising receiving from a selection (the user accesses the information center with the mobile terminal) of one of said plurality of features (from a layer selection table or selection list). (Col. 40, lines 25-31.); and transmitting location-centric detailed feature information (the database, in turn, transmits identifiers of such layer lists back to the user display) related to said selected feature (col. 39, lines 50-52).

Regarding claim 11, Kimoto et al. disclose said transmitting location-centric detailed feature information (an up-load data transmitting unit for transmitting up-load data to the information center and an information/service utilizing unit for utilizing information/service from the information center), includes transmitting product information (map information, town information, service information) related to said selected feature (Col. 32, lines 62-67 and col. 3, line 1).

Regarding claim 12, Kimoto et al. disclose said transmitting location-centric detailed feature information includes transmitting service provider information related to said selected feature (Col. 8, lines 5-13).

Regarding claim 13, Kimoto et al. disclose a wireless device (Fig. 1, ref. 1), comprising: a transmitter (Fig. 2, ref. 1B) operable with a position determining system (Position information detecting unit (41), see also Fig. 7, ref. 41) capable of providing information related to a geographic position (mobile position information) of the wireless device to an information system (information center, col. 36, lines 54-61); and a receiver configured to receive from said information system at least one location identifier based on said geographic position (Col. 7, lines 52-56), said at least one location identifier (an physical address, a feature of the facility, map information, see also Fig. 7 and Figs. 13-14) being representative of a landmark proximate to said geographic position, and to receive location-centric attribute information related to said at least one location identifier (Col. 49, lines 25-3).

Regarding claim 14, Kimoto et al. disclose a wireless device, further comprising: a display (See Figs. 13, 24,24; and 37, ref. 443 and 59, ref. 63) configured to display said received at least one location identifier (Fig. 43, ref. 47c) and said received location-centric attribute information (Col. 31, lines 21-30); and an input device (Fig. 37, ref. 441 and Fig. 59, ref. 69).

Regarding claim 15, Kimoto et al. disclose a computer executable software code (See Fig. 54, ref. 11L) stored on a computer readable medium (See Fig. 54, ref. 1L) of a wireless device (See Fig. 54. ref. 1K), the code for: providing geographic position

information of a wireless device to an information system (position information according to a movement of the mobile terminal); receiving a plurality of location identifiers from said information system; and receiving location-centric information from said information system, said location-centric information related to a landmark proximate to the geographic position (Col. 12, lines 21-46).

Regarding claim 16, Kimoto et al. disclose the code further comprising code for: prompting a user to select one location identifier (Fig. 43, ref. 47c and Fig. 47, refs. J1, J2, K1, and K2) from the plurality of location identifiers; receiving location-centric attribute information (Col. 5, lines 59-63) related to said selected location identifier (a map position or facility; col. 38, lines 40-54); and displaying said received location-centric attribute information (See Figs. 23, ref. 47-1, 24).

Regarding claim 17, Kimoto et al. disclose a system comprising: an information database (Fig. 5, ref. 2D: information center) having location-centric attribute information (information located in the accumulating unit, Fig. 5, ref. 21D); a wireless device (Fig. 5, ref. 1H: mobile terminal) operable to provide geographic position information (position information) to said information database (Col. 3, lines 17-20) and to receive from said information database at least one location identifier (Col. 3, lines 22-25) based on said geographic position, said location identifier being representative of a landmark proximate to said geographic position (Col. 3, lines 20-23 and col. 7, lines 52-56)).

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Regarding claim 18, Kimoto et al. disclose said wireless device is operable to receive location-centric attribute information related to said at least one location identifier (Col. 7, lines 52-56).

Regarding claim 19, Kimoto et al. disclose a method of retrieving provider information, comprising: providing information related to a geographic position of a wireless device to an information system (Col. 3, lines 15-20); receiving location-centric attribute information from said information system (Col. 3, lines 22-28), said location-centric attribute information being related to a dwelling (landmark, building, structure) proximate to said geographic position (Col. 5, lines 59-63); receiving an attribute request, the attribute request indicating at least a portion of the location-centric attribute information (Col. 11, lines 10-18); and displaying detailed provider information uniquely associated with the at least a portion of the location-centric attribute information indicated by the attribute request (Col. 35, lines 51-60, see also Fig. 15).

Regarding claim 20, Kimoto et al. further disclose the method comprising: receiving at least one location identifier from said information system based on said geographic position, said location identifier being representative of said dwelling proximate to said geographic position (Col. 11, lines 10-18 and col. 35, lines 51-60, see also Fig. 12, ref. S18 and Fig. 14, ref. 47-1: LCD).



***Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-20 are rejected under the judicially created doctrine of double patenting over claims 1-28 of U. S. Patent No. 6,496,776 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: Claim 1, a method of retrieving location-centric

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information, comprising: providing information related to a geographic position of a wireless device to an information system; and receiving location-centric attribute information from said information system related to a landmark proximate to said geographic position. Claim 2, said receiving location-centric attribute information includes receiving information related to at least one of an interior feature, an exterior feature and a service feature (one location identifier) related to said landmark.

Regarding claim 3, receiving location-centric attribute information (location identifier) includes receiving indicia of a plurality of features (street address, a historic place, building name) related to said landmark. Claim 4, said method further comprising: receiving from a user a selection of one of said plurality of features (location identifiers); and receiving location-centric detailed feature information related to said selected feature (location identifiers). Claim 5, the method, wherein said receiving location-centric detailed feature information (location identifier) includes receiving product (street address) and service information (residential unit information) related to said selected feature. Claim 6, the method, wherein said receiving location-centric detailed feature information (residential unit information) includes receiving product (floor plan, physical description, price) and service information related to said selected feature. Claim 7, the method of providing location-centric information from an information system, the method comprising: a query from a wireless device; receiving information related to a geographic position of the wireless device; and transmitting location-centric attribute information (location identifier) related to a landmark proximate to said geographic position. Claim 8, said transmitting location-centric attribute information (location

identifier) includes transmitting information (residential unit information) related to at least one of an interior feature, an exterior feature and a service feature (residential unit information) related to said landmark. Claim 9, said transmitting location-centric attribute information (position relating information) includes transmitting indicia of a plurality of features (residential unit information) related to said landmark. Claim 10, the method comprising receiving from a selection of one of said plurality of features (location identifiers); and transmitting location-centric detailed feature related to said selected feature. Claim 11, said transmitting location-centric detailed feature information) location identifier), includes transmitting product information (street address, building name) related to said selected feature. Claim 12, said transmitting location-centric detailed feature information includes transmitting service provider information related to said selected feature. Claim 13, a wireless device, comprising: a transmitter operable with a position determining system capable of providing information related to a geographic position of the wireless device to an information system; and a receiver configured to receive from said information system at least one location identifier based on said geographic position, said at least one location identifier being representative of a landmark proximate to said geographic position, and to receive location-centric attribute information related to said at least one location identifier. Claim 14, a wireless device, further comprising: a display configured to display said received at least one location identifier and said received location-centric attribute information; and input device. Claim 15, a computer executable software code stored on a computer readable medium of a wireless device, the code for: providing geographic position information of a wireless

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device to an information system; receiving location-centric attribute information (a plurality of location identifiers) from said information system; and receiving location-centric information from said information system, said location-centric information related to a landmark proximate to the geographic position. Claim 16, the code further comprising code for: prompting a user to select one location identifier from the plurality of location identifiers; receiving location-centric attribute information related to said selected location identifier; and displaying said received location-centric attribute information. Claim 17, disclose a system comprising: an information database having location-centric attribute information; a wireless device operable to provide geographic position information to said information database and to receive from said information database at least one location identifier based on (according to) said geographic position, said location identifier being representative of a landmark proximate to said geographic position. Claim 18, said wireless device is operable to receive location-centric attribute information related to said at least one location identifier (landmark). Claim 19, a method of retrieving provider information, comprising: providing information related to a geographic position of a wireless device to an information system; receiving location-centric attribute information from said information system, said location-centric attribute information being related to a dwelling (landmark) proximate to said geographic position; receiving an attribute request, the attribute request indicating at least a portion of the location-centric attribute information; and displaying detailed provider information uniquely associated with the at least a portion of the location-centric attribute information indicated by the attribute request. Claim 20, the method comprising:

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receiving at least one location identifier from said information system based on said geographic position, said location identifier being representative of said dwelling (particular unit of real state) proximate to said geographic position

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application, which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the art with respect to address, product, location information retrieval methods and systems.

US Pat. 6,029,069 to Takaki

Specifying name and a location of a  
building

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R Perez whose telephone number is (703) 305-8637. The examiner can normally be reached on Monday - Friday, 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh N Tran can be reached on (703) 305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

  
**SINH TRAN**  
**PRIMARY EXAMINER**

JP  
10/17/03

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